

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
SHREVEPORT DIVISION

VELVA JEFFERSON

CIVIL ACTION NO. 21-cv-2324

VERSUS

JUDGE ELIZABETH E. FOOTE

CITY OF SHREVEPORT ET AL

MAGISTRATE JUDGE HORNSBY

ORDER OF REMAND

Velva Jefferson (“Plaintiff”) filed suit in state court against the City of Shreveport and the Caddo Parish Sheriff. She alleged that her son was falsely arrested and received improper medical care. Her petition asserted claims of negligence based on state law but included an allegation that the defendants “had a duty under law, the 1974 Louisiana Constitution and U.S. Constitution to provide her son with adequate medical care.” Defendants, citing the reference to the U.S. Constitution, removed the case based on federal question jurisdiction.


Plaintiff promptly filed a motion to remand in which she asserted that she intended to allege only state law claims, pleads no federal claims, and that any cause of action pursuant to 42 U.S.C. § 1983 (to the extent one was pled) should be dismissed with prejudice. When a case is removed to federal court based solely on federal question jurisdiction and the federal claims are resolved early in the case, the usual course is for the court to decline to exercise jurisdiction over the state law claims pursuant to 28 U.S.C. § 1367(c)(3). In light of Plaintiff’s request to dismiss any Section 1983 claims with prejudice, the court asked counsel for the defendants whether they would agree to an order

dismissing such claims and remanding the case based on Section 1367(c)(3). Counsel for the defendants agreed to this resolution. Accordingly, and based on Plaintiff's request, any claims asserted by Plaintiff pursuant to 42 U.S.C. § 1983 are dismissed with prejudice. The court, pursuant to 28 U.S.C. § 1367(c)(3), declines to exercise supplemental jurisdiction over the remaining state law claims.

Accordingly,

Plaintiff's Motion to Remand (Doc. 13) is granted per the agreement of the parties, and this civil action is remanded to the First Judicial District Court, Caddo Parish, Louisiana, where it was pending as Case No. 631540-A.

THUS DONE AND SIGNED in Shreveport, Louisiana, this 25th day of October, 2021.



Mark L. Hornsby
U.S. Magistrate Judge